

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY MAY 14, 2009

AMENDED IN ASSEMBLY APRIL 21, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 580

Introduced by Assembly Member Huber
(Principal coauthors: Assembly Members Gaines and Logue)
(Coauthors: Assembly Members Chesbro, Jeffries, and Nielsen)

February 25, 2009

An act to amend Section 13291 of the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 580, as amended, Huber. Onsite sewage treatment systems.

Existing law, the Porter-Cologne Water Quality Control Act, on or before January 1, 2004, requires the State Water Resources Control Board, in consultation with ~~others~~ *other entities*, to adopt regulations or standards for the permitting and operation of specified onsite sewage treatment systems. The act requires the state board to apply those regulations or standards to those systems commencing 6 months after their adoption. The act requires the regulations or standards to include exemption criteria established by the California regional water quality control boards. The act requires the regulations to include minimum operating requirements and requires that the regulations ~~include requirements authorizing~~ *authorize* a qualified local agency to implement the requirements adopted under the act if the local agency requests authorization.

This bill would require that onsite sewage treatment systems be classified by *the state board* into regulatory tiers based on the demonstrated risk each system poses to the public health and environment. ~~The bill would require the regulations to include a requirement authorizing a qualified agency to certify that its local ordinance implements the requirements of the regulations adopted pursuant to existing law.~~ *The bill would also specify that the exemption criteria to be contained in the regulations may also be established by the state board in addition to the regional boards. The bill would delete from the local agency implementation provision the condition that the local agency request authorization.*

~~This bill would specify that exemption criteria may also be established by the state board.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) The Legislature commends the State Water Resources
- 3 Control Board for listening to public concerns regarding the onsite
- 4 sewage treatment system regulatory program and responding to
- 5 those concerns by reevaluating regulations adopted pursuant to
- 6 Chapter 781 of the Statutes of 2000 (Assembly Bill 885 of the
- 7 1999–00 Regular Session).
- 8 (b) The Legislature encourages the board to draft regulations
- 9 that ensure local control, cure failing septic systems, and minimize
- 10 cost to homeowners.
- 11 (c) It is the intent of the Legislature to assist the board's efforts
- 12 through clarifying legislation if necessary.
- 13 SEC. 2. Section 13291 of the Water Code is amended to read:
- 14 13291. (a) On or before January 1, 2004, the state board, in
- 15 consultation with the State Department of Health Services, the
- 16 California Coastal Commission, the California Conference of
- 17 Directors of Environmental Health, counties, cities, and other
- 18 interested parties, shall adopt regulations or standards for the
- 19 permitting and operation of all of the following onsite sewage
- 20 treatment systems in the state and shall categorize each of the
- 21 following systems into regulatory tiers based on the demonstrated
- 22 risk posed to the public health and the environment by each system.

1 The state board shall apply those regulations or standards
2 commencing six months after their adoptions:

- 3 (1) Any system that is constructed or replaced.
- 4 (2) Any system that is subject to a major repair.
- 5 (3) Any system that pools or discharges to the surface.
- 6 (4) Any system that, in the judgment of a regional board or
7 authorized local agency, discharges waste that has the reasonable
8 potential to cause a violation of water quality objectives, or to
9 impair present or future beneficial uses of water, to cause pollution,
10 nuisance, or contamination of the waters of the state.

11 (b) Regulations or standards adopted pursuant to subdivision
12 (a), shall include, but shall not be limited to, all of the following:

13 (1) Requirements that local programs include minimum
14 operating standards that may include siting, construction, and
15 monitoring to determine system performance.

16 (2) Requirements for onsite sewage treatment systems adjacent
17 to impaired waters identified pursuant to subdivision (d) of Section
18 303 of the Clean Water Act (33 U.S.C. Sec. 1313(d)).

19 ~~(3) Requirements authorizing a qualified local agency to certify~~
20 ~~that its ordinance implements those requirements adopted under~~
21 ~~this chapter within its jurisdiction. Based on a finding by a regional~~
22 ~~board that a local agency does not meet the certification~~
23 ~~requirements, a regional board shall have 90 days to deny the~~
24 ~~self-certification by the local agency.~~

25 *(3) Requirements authorizing a qualified local agency to*
26 *implement the requirements adopted under this chapter within its*
27 *jurisdiction.*

28 (4) Requirements for corrective action when onsite sewage
29 treatment systems fail to meet the requirements or standards.

30 (5) Exemption criteria to be established by the state board or
31 the regional boards.

32 (6) Requirements for determining a system that is subject to a
33 major repair, as provided in paragraph (2) of subdivision (a).

34 (c) This chapter does not diminish or otherwise affect the
35 authority of a local agency to carry out laws, other than this chapter,
36 that relate to onsite sewage treatment systems.

37 (d) This chapter does not preempt any regional board or local
38 agency from adopting or retaining standards for onsite sewage
39 treatment systems that are more protective of the public health or
40 the environment than this chapter.

- 1 (e) Each regional board shall incorporate the regulations or
- 2 standards adopted pursuant to subdivisions (a) and (b) into the
- 3 appropriate regional water quality control plans.

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